



Board of Nursing

Larry Hogan, Governor · Boyd K. Rutherford, Lt. Governor · Dennis R. Schrader, Secretary

February 1, 2022

The Honorable Shane E. Pendergrass
Chair, Health and Government Operations Committee
Room 241 House Office Building
Annapolis, MD 21401-1991

RE: HB 66 – Health Occupations – Licensed Direct Entry Midwives – Previous Cesarean Section – Letter of Support with Amendments

Dear Chair Pendergrass and Committee Members:

The Maryland Board of Nursing (the Board) respectfully submits this letter of support with amendments for House Bill (HB) 66 – Health Occupations – Licensed Direct Entry Midwives – Previous Cesarean Section. This bill allows a licensed direct-entry midwife to assume or take responsibility for a patient who had a previous cesarean section only after consulting with a health care practitioner. This bill additionally requires a licensed direct-entry midwife, before initiating care, to provide their patient with an informed consent agreement that is specific to home birth after a cesarean section.

Licensed direct-entry midwives (LDEMs) are revered proponents for delivering low-risk midwifery care in communities, particularly in the home setting. LDEMs are independent practitioners educated in the discipline of midwifery through apprenticeship, self-study, and by attending midwifery school. It has been a formalized license in the state of Maryland since 2015, and has gained familiarity within the healthcare community.

The pandemic has brought many challenges into the healthcare setting, particularly for midwifery, obstetrical and gynecologic care. There has been an incredible shift in individuals seeking midwifery care, and an interest in allowing labor and delivery to occur in the comfort of an individual's home. With an increase in demand for midwifery services, LDEMs have been required to turn away women with a history of a previous cesarean section (C-section). Current practice in Maryland prohibits LDEMs from providing pregnancy and birth care to patients with any previous C-section history, regardless of when the procedure was performed.

Of the 36 states with licensure for the legal practice of LDEMs (or certified professional midwives), 28 states allow licensed midwives to attend home births after cesarean (HBAC). The earliest statutory authorities permitting LDEMs to attend HBAC were cited by the states of New Mexico (1978) and Louisiana (1985).

Cesarean section is the most common obstetric procedure that is performed when a vaginal delivery would put the fetus or mother at risk. Due to the invasive nature of this procedure, complications may arise for subsequent pregnancies and trials of labor. One such complication, stated by the American College of Obstetricians and Gynecologists, would include uterine rupture. The incidence of a uterine rupture, however, for an individual with a confirmed low transverse incision would be between 0.2 – 1.5%.¹

Finally, the Board believes it is critical to provide a consent agreement to a patient that informs them of the benefits, risks, and alternatives to the procedure being performed. The Board has provided the following amendment to reflect this provision appropriately.

Section 8-6C-09. On page 3. Lines 15 – 16. Add:

(1) A DESCRIPTION OF THE PROCEDURE, BENEFITS, **ALTERNATIVES**, AND RISKS OF A HOME BIRTH AFTER A CESAREAN SECTION, INCLUDING CONDITIONS THAT MAY ARISE DURING DELIVERY; AND

For the reasons discussed above, the Board of Nursing respectfully submits this letter of support with amendments for HB 66.

For more information, please contact Iman Farid, Health Policy Analyst, at (410) 585 – 1536 (iman.farid@maryland.gov) or Rhonda Scott, Deputy Director, at (410) 585 – 1953 (rhonda.scott2@maryland.gov).

Sincerely,



Gary N. Hicks
Board President

The opinion of the Board expressed in this document does not necessarily reflect that of the Department of Health or the Administration.

¹ Kan A. (2020). Classical Cesarean Section. Surgery journal (New York, N.Y.), 6(Suppl 2), S98–S103. <https://doi.org/10.1055/s-0039-3402072>